

CHAPTER 80-1-15
EXTENSIONS OF EXISTING
OFFICES AND FACILITIES

80-1-15-01	Automated Teller Machine ("ATM") and Night Depository.	80-1-15-03	Courier Services.
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80-1-15-01 Automated Teller Machine ("ATM") and Night Depository.

(1) An ATM machine, which by definition in O.C.G.A. §7-1-603 takes deposits, and a night depository may be established anywhere in this state. Establishment of an ATM machine in this state does not constitute doing a banking business here. The ATM of a financial institution not authorized to do a banking business in this state must be unstaffed.

(2) The term "unstaffed" shall mean that any persons employed by a sponsoring financial institution shall not be empowered to open new accounts at the location, or, both close loans and disburse proceeds at the location. Combination with a staffed facility that performs any of these functions is not permitted unless the staffed facility is doing a lawful banking business. Combinations of facilities such as a loan production office, deposit production office and an ATM or cash dispensing machine are permitted subject to the limitations in this rule.

Authority Ga. L. 1966, pp. 590, 591; 1973, pp. 526, 527; 1975, p. 47; O.C.G.A. §7-1-61.

80-1-15-02 Mobile Banking Units.

(1) Financial institutions may provide unlimited banking services through mobile banking units provided such units stop at predetermined locations where the institution is authorized to operate.

(2) During each stop, the mobile banking unit shall be accessible to banking customers for intervals of not less than two hours and each such stop shall be utilized at least once each week in accordance with a published schedule. Such schedule may be altered or amended as provided for in regulations concerning operating hours of branch offices.

(3) Each financial institution providing mobile banking unit services shall carry adequate fidelity, robbery, and hazard insurance coverage commensurate with the risks associated with the operation of such units.

(4) Disclosures shall be given to all customers regarding when deposits will be credited and when checks or other withdrawals will be debited.

(5) Since a mobile unit will function as a branch, application should be made by letter as prescribed in the Applications Manual. Expedited processing will be available in most cases.
Authority Ga. L. 1974, p. 733; Section 7-1-602, O.C.G.A.

80-1-15-.03 Courier Services.

(1) Definitions.

(a) "Branching" activities or items shall be related to receipt of deposits, payment of checks, or lending of money.

(b) A "courier service" shall mean any service used by a financial institution and its customers to pick up from and deliver to, specific customers at locations such as their homes or offices, items related to transactions between the bank and such customers.

(c) A "third party" shall be defined as a party other than the financial institution, who owns the service and its facilities (or rents these from a party other than the financial institution), and who employs the personnel engaged in the provision of the service. The third party must:

i. Be available to the general public;

ii. Retain ultimate discretion as to the limits of its geographic area and the customers it will serve;

iii. Maintain ultimate responsibility for its scheduling and routing;

iv. Operate under a separate name from the financial institution and not advertise the service as being provided by the financial institution;

v. Assume full responsibility for items in transit, including the provision of adequate insurance to cover all potential contents during holdups, to cover employee fidelity and any other losses while items are in the custody and control of the service; and

vi. Act as the agent for the customer while the items are picked up, carried and delivered.

(2) Branching Items Transported by a Third Party.

Financial institutions may provide courier services for the pick up from and delivery to customers, items that relate to the branching function, using a courier service established and operated by a third party. Such services may be provided anywhere in the state and generally the service will not be considered branching.

(3) Branching Items Transported by Banks' Courier Service.

A bank may establish its own courier service to carry items related to branching, and such service may operate anywhere permitted by state law in any state where the courier service is to be performed. Generally, this service will be considered branching, but will require a simplified application, which will be expedited in most cases. Details are found in the Applications Manual.

(4) Courier of Non-Branching Items.

Financial institutions may provide courier services for the pick up and delivery of items related to non-branching activities. They may do so by establishing their own service or by use

of a third party service. Such services may be provided anywhere and generally will not be considered branching.

(5) Operation and Conditions.

(a) The bank, in establishing or contracting for the use of courier services, must establish conditions and limitations to comply with this regulation and with safe and sound banking practices.

(b) The bank may defray all or part of the costs incurred by the customer for use of the courier service, consistent with safety and soundness and prudent fiscal policy. Any payment by the bank may not exceed the actual charge for the services rendered.

(c) The bank shall deem items for deposit to be received by the bank at the time they are credited to the customer's account at the bank or a branch office.

(d) The bank shall deem items representing withdrawals to be paid when the items are delivered to the courier service.

Authority Ga. L. 1974, p. 733; O.C.G.A. § 7-1-61; O.C.G.A. § 7-1-602.

80-1-15-04 Account Service Representatives.

Financial institutions lawfully doing a banking business in Georgia may provide for account service representatives to visit public events and commercial locations including governmental, educational, and health facilities for the purpose of opening deposit accounts and providing services incidental thereto; provided, access to such locations and facilities is available to other financial institutions on a nondiscriminatory basis. Account paying and receiving services may not be provided during such visits other than an initial deposit to a new account.

Authority Ga. L. 1974, p. 733; Section 7-1-602, O.C.G.A.

80-1-15-05 School Savings and Banking Education Programs.

Financial institutions lawfully doing a banking business in Georgia may participate in school savings and banking education programs, where such programs: are provided for minors in order to promote thrift or to provide banking and financial education; are supervised by a school official or an organization affiliated with the school, and are in a location where the financial institution can legally perform a banking business in accordance with Code Sections 7-1-601 and 7-1-602. School savings program deposits are not considered received until they have been delivered to a representative of and at the participating financial institution. Under a school savings program, checks are not considered paid until received by the participating financial institution either directly or through a messenger acting as agent for the customer. These programs shall not be considered banking locations of the type defined in Code Section 7-1-600, provided the above provisions are met.

Authority O.C.G.A. § 7-1-241, § 7-1-261.